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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,812	06/23/2003	Bruce Daniel MacMillan	20009.0195US01(030083)	9837
45695 7590 07/08/2009 AT&T Legal Department - WK Attn: Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921				
EXAMINER				
DANG, THANH HA T				
ART UNIT		PAPER NUMBER		
2163				
MAIL DATE		DELIVERY MODE		
07/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/601,812

Applicant(s)

MACMILLAN, BRUCE DANIEL

Examiner

Thanh-Ha Dang

Art Unit

2163

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 15 and 17-29 is/are pending in the application.
- 4a) Of the above claim(s) 2, 4-14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 15, 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3, 15 and 17-29 are rejected in this Office Action.
2. Applicant cancelled Claims 2, 4-14 and 16.
3. This Action is made Final.

Response to Amendment

4. Receipt of Applicant's Amendment filed 04/20/09 is acknowledged.

Claim Rejections - 35 USC§ 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 15, 17, 20 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,127,491 issued to Robert Charles Zimstein, Jr. ("Zimstein"), and further in view of US Patent No. 7,272,637 issued to Richard B. Himmelstein ("Himmelstein").

As to **Claims 1, 17 and 20**, *Zimstein teaches* a method for retrieving information in a private database, the method comprising:

- receiving at an e-mail server, an e-mail from a wireless communication device comprising one or more search terms (*Figures 1 and 4-5, column 8,*

lines 20-30 wherein the predetermined commands read on the one or more search terms claimed limitation);

- upon receiving the e-mail, the e-mail server comparing an e-mail address identified with the wireless communication device against a list of e-mail addresses residing at the e-mail server (*Figure 11, column 12, lines 48-67; and column 14, lines 12-48*);
- when the identified e-mail address is on the list, the e-mail server:
 - retrieving the information from the private database by executing the query (*Figures 11-12, column 12, lines 48-67; and column 14, lines 12-48*); and
 - sending the information to the wireless communication device (*Figures 12 and 14A-B, column 16, lines 2-45*); and
- when the identified e-mail address is not on the list, the e-mail server denying the request to retrieve the information (*Figure 12 blockS1211, column 14, lines 30-40*).
 - *Zimstein does not explicitly teach* generates a query based on the one or more search terms received in the e-mail from the wireless device. However,
Himmelstein teaches generates a query based on the one or more search terms received in the e-mail from the wireless device (*column 4, lines 20-48*). Thus, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine method

for efficiently accessing electronic resources teaching of Himmelstein with remote command server teaching of Zirnstein to provide method and system which provide remote access to, and control of, a local computer from portable and wireless computing devices (Zirnstein col 2 lines5-8).

As to **Claim 3**, *Zirnstein in combination with Himmelstein teaches* wherein receiving the e-mail from the wireless communication device includes receiving the e-mail from one of a wireless telephone, a wireless pager and a wireless personal digital assistant (*Zirnstein, column 2, lines 5-6*).

As to **Claim 15**, *Zirnstein in combination with Himmelstein teaches* wherein sending the information to the wireless communication device includes sending an outbound e-mail to the wireless communication device (*Zirnstein, Figure 1, column 10, lines 55-67*).

As to **Claims 22, 25 and 27**, *Zirnstein in combination with Himmelstein teaches* wherein the private database comprises confidential company information (*Himmelstein, Figure 3D-E, 4E, 5E-F, column 6, lines 31-47 and column 8 lines 20-21 wherein company's database read on confidential company information claimed limitation*).

As to **Claims 23, 26 and 28**, *Zirnstein in combination with Himmelstein teaches* wherein the information comprises a document (*Himmelstein, column 3, line 6 wherein a data table read on a document claimed limitation*) that includes

the one or more search terms (*Himmelstein*, column 3, lines 8-15 wherein simple keyword read on search term claimed limitation).

As to **Claims 24 and 29**, *Zirnstein in combination with Himmelstein teaches* wherein the information comprises a list of documents that include the one or more search terms (*Himmelstein*, Figures 3E-D, Table 1 column 5 lines 30-38 illustrates example of one or more search terms; column 8, lines 25-27 wherein catalog documents read on list of documents claimed limitation).

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,127,491 issued to Robert Charles Zirnstein, Jr. ("Zirnstein") and further in view of US Patent No. 7,272,637 issued to Richard B. Himmelstein ("Himmelstein") as applied to Claim 17, and further in view of Pub. No. US2003/0130857 issued to Matsuo ("Matsuo").

As to **Claim 18**:

Zirnstein in combination with Himmelstein teaches all the elements of Claim 17 as stated above.

Zirnstein in combination with Himmelstein does not explicitly teach wherein the e-mail server comprises a portion of an Intranet.

Matsuo teaches wherein the e-mail server comprises a portion of an Intranet (*page 10 [0114, line 4]*). Thus, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine method for utilizing an information exchange framework teaching of Matsuo with method for

efficiently accessing electronic resources teaching of Himmelstein and remote command server teaching of Zirnstein to provide method and system which include an Intranet.

As to Claim 19:

Zirnstein in combination with Himmelstein teaches all the elements of Claim 17 as stated above.

Zirnstein in combination with Himmelstein does not explicitly teach wherein the e-mail server comprises a portion of an Extranet.

Matsuo teaches wherein the e-mail server comprises a portion of an Extranet (*page 10 [0114, line 5]*). Thus, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine method for utilizing an information exchange framework teaching of Matsuo with method for efficiently accessing electronic resources teaching of Himmelstein and remote command server teaching of Zirnstein to provide method and system which include an Extranet.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,127,491 issued to Robert Charles Zirnstein, Jr. ("Zirnstein") and further in view of US Patent No. 7,272,637 issued to Richard B. Himmelstein ("Himmelstein") as applied to Claim 17, and further in view of US Patent No. 6,029,192 issued to Hill et al. ("Hill").

As to **Claim 21**:

Zirnstein in combination with Himmelstein teaches all the elements of Claim 17 as stated above.

Zirnstein in combination with Himmelstein does not explicitly teach wherein the information comprises a list of documents which are listed by order of relevance.

Hill teaches wherein the information comprises a list of documents which are listed by order of relevance (*Figure 14 block1402, column 11, line 15*). Thus, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine resource evaluation derived from electronic messages teaching of Hill with method for efficiently accessing electronic resources teaching of Himmelstein and remote command server teaching of Zirnstein to provide method and system which display information by order of relevance.

Response to Applicant Arguments

6. Applicant's amendment and arguments filed 04/20/09 with respect to claims 1, 3, 15 and 17-29 have been considered but are moot in view of the new ground(s) of rejection. Furthermore, Zirnstein in combination with Himmelstein teaches all the elements of independent claim 1 and similar claims 17 and 20 and new claims 22-29 as addressed above, and therefore the rejection is maintained.

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon in form PTO-892 if any is considered pertinent to applicant's disclosure.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **THANH-HA DANG** whose telephone number

is (571)272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanh-Ha Dang
Examiner, AU 2163
July 2, 2009

/don wong/
Supervisory Patent Examiner, Art Unit 2163